

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

V.

Civil Action No. 1:25-cv-10276

CHARLES EZELL, ACTING DIRECTOR,
OFFICE OF PERSONNEL
MANAGEMENT, et al,

Defendants.

DECLARATION OF GREG HOGAN IN SUPPORT OF DEFENDANTS' NOTICE OF COMPLIANCE WITH THE COURT'S FEBRUARY 6 ORDER

I, GREG HOGAN, declare:

1. I am over eighteen (18) years old, not a party to this action, and serve as the Chief Information Officer at the Office of Personnel Management (OPM).

2. This Declaration is submitted in support of Defendants' Notice of Compliance with the Court's February 6 Order.

3. Based on my personal knowledge, OPM is using its best efforts to comply with the order issued by this Court from the bench around 1:15 p.m. on Thursday, February 6, 2025. OPM initiated the email dissemination process by the 5 p.m. deadline set by the Court.

4. Some federal employees will have received notice of the extension of the Deferred Resignation program by 5 p.m today. Other federal employees will receive notice later in the evening.

5. OPM does not have the technological capability for the complete transmission of two million emails to federal employees by 5 p.m. today due to receiving limits (which do not belong to OPM), as well as sending limits in the government system.

6. Instead of sending every email all at once, OPM sends its mass emails out at a rate that

ensures a high degree of successful deliveries. This begins with a slow ramp up—sending a few hundred or thousand emails at a time—to validate that the emails are being received. This ramp-up is followed by larger batches. When OPM emails more than two million federal employees, the process takes hours. After pressing the send button to initiate the process, about 75% of the total emails will be delivered within approximately four hours. The final 25% take approximately four more hours to be delivered.

7. It is not technologically possible for OPM to speed up this process at this time. OPM's system does not support sending more than two million emails simultaneously and if OPM tried to send all the emails at the exact same time, they might simply be blocked by the receiving limits.

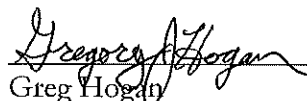
8. Using its best efforts to comply with the Court's order, OPM started drafting a notification email as soon as possible after the hearing, to notify federal employees of the extension of the Deferred Resignation program. OPM then began its usual process of sending these emails. Actual dissemination began before the 5 p.m. deadline. Accordingly, some federal employees, but not all, received the extension email before the deadline.

9. To the best of OPM's ability, federal employees who received earlier emails about the Deferred Resignation program will receive notice of the extension on February 6. Most will receive notice either before the Court's 5 p.m. deadline or within a few hours after.

10. OPM is also in the process of updating its public-facing website to reflect the extended deadline.

Executed this 6th day of February 2025, at Washington, D.C.

I declare under penalty of perjury under the laws of the United States of America and under the laws of the District of Columbia that the foregoing is true and correct.


Greg Hogan

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on February 6, 2025.

Dated: February 6, 2025

/s/ Joshua E. Gardner
JOSHUA E. GARDNER